

# SOIL CONSERVATION AND WATER QUALITY DIVISION[27]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 161A.4(1), the Division of Soil Conservation and Water Quality hereby amends Chapter 12, “Water Protection Practices—Water Protection Fund,” Iowa Administrative Code.

These amendments provide for the recall of water protection practices funds and the reallocation to districts that have the immediate ability to use the funds. Cost-share funding will be authorized for access control to pay the fencing cost of keeping livestock out of intermittent streams. The practice identified as “STRIPS” is specifically identified as an allowable cost-share practice as a contour buffer strip or filter strip.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3112C** on June 7, 2017. No comments were received from the public. The adopted amendments are identical to the noticed amendments.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code section 161A.2.

These amendments will become effective September 6, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 12.51(3) as follows:

**12.51(3) Supplemental allocations.** The districts shall identify valid applications and cost estimates, if any, for supplemental allocations to the division by September 1. ~~The allocation to any district will be the lesser amount of~~ Factors to be considered in making a supplemental allocation to a district include:

a. The sum of cost estimates (for pending applications) in each district, divided by the total cost estimates (for pending applications) for all 100 districts, multiplied by the remaining available program funds; ~~or and~~

b. ~~Three~~ Whether or not the proposed supplemental allocation exceeds three times the original allocation to the district.

ITEM 2. Amend subrule 12.51(5) as follows:

**12.51(5) Woodland, native grass and forbs fund.** Twenty-five percent of the funds and any additional appropriations for reforestation will be allocated to districts.

a. *Original allocation.* ~~Seventy-five percent of the~~ The funds distributed to this program will be allocated equally to the 100 soil and water conservation districts at the beginning of each fiscal year.

b. *Supplemental allocation.* The districts shall identify valid applications and cost estimates, if any, for supplemental allocations to the division by September 1. ~~The allocation to any district will be the lesser amount of~~ Factors to be considered in making a supplemental allocation to a district include:

(1) The sum of cost estimates (for pending applications) in each district, divided by the total cost estimates (for pending applications) for all 100 districts, multiplied by the remaining available program funds; ~~or and~~

(2) ~~Three~~ Whether or not the proposed supplemental allocation exceeds three times the original allocation to the district.

c. *Eligibility of soil and water conservation districts for supplemental allocation.* For a district to qualify for a supplemental allocation, the district must meet the following requirement: ~~ninety~~ seventy-five percent of the woodland, native grass and forbs funds shall be obligated to landowners.

ITEM 3. Adopt the following **new** subrule 12.51(7):

**12.51(7) Recall and reallocation of funds by division director.** If districts are not demonstrating an ability to use available funding, the division director may recall these funds and reallocate the funds to a district that has an immediate need for additional funding.

ITEM 4. Adopt the following **new** paragraph **12.63(3)“c”**:

c. Tracts of land enrolled in the United States Department of Agriculture’s Conservation Reserve Program (CRP) that have more than 90 days left on the contract, except for woodland establishment, management and protection practices, and native grass and forb establishment practices under rule 27—12.82(161C) shall not qualify.

ITEM 5. Amend subrules 12.72(2) and 12.72(4) as follows:

**12.72(2)** Contour buffer strips. The practice includes science-based trials of row crops integrated with prairie strips (STRIPS) planted on contour.

**12.72(4)** Filter strips. The practice includes science-based trials of row crops integrated with prairie strips (STRIPS) planted at the foot slope.

ITEM 6. Adopt the following **new** subrule 12.72(10):

**12.72(10)** Access control. The practice involves fencing an area to exclude livestock from intermittent streams (defined on U.S. Geological Survey topographic maps as “3 dot” blue-line streams) or larger streams. Eligibility for cost-share assistance extends only to fencing required to implement this practice, but does not extend to fences along roads or land boundaries.

ITEM 7. Amend subrule 12.77(1) as follows:

**12.77(1)** *Cost-share rates.* Cost-share rates for practices designated in rule 27—12.72(161C) shall be 50 percent of the eligible or estimated cost of installation, whichever is less, except for contour buffer strips, ~~and field borders, and access control.~~ Cost-share rates for 12.72(2), contour buffer strips, and 12.72(3), field borders, shall be a one-time payment of 50 percent of the eligible or estimated cost of installation, whichever is less, up to \$25 per acre. Cost-share rates for 12.72(10), access control, shall include a one-time payment of up to \$200 per acre. In addition, fencing systems used to implement access control are eligible for 50 percent of the eligible or estimated cost, whichever is less, not to exceed \$14 per rod for permanent fencing. Cost-share assistance for this practice may not be provided on the same acres that already received a cost-share payment through the buffer initiative program.

ITEM 8. Amend paragraph **12.84(4)“a”** as follows:

a. ~~75~~ Seventy-five percent of the eligible or estimated cost, whichever is less, not to exceed ~~\$450~~ \$600 per acre, for tree planting including the following:

(1) to (4) No change.

ITEM 9. Amend **27—Chapter 12**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 161A and 161C; and Iowa Code section ~~99E.34 and 1989 Iowa Acts, chapter 236~~ 455A.19.

[Filed 7/12/17, effective 9/6/17]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/2/17.